

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90961

Hiromu HABASHITA, et al.

Appln. No.: National Stage Entry of PCT/JP2004/005504

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: October 18, 2005

Examiner: Unknown

For: HETEROCYCLIC COMPOUND CONTAINING NITROGEN ATOM AND USE THEREOF

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent

INFORMATION DISCLOSURE STATEMENT  
National Stage Entry of PCT/JP2004/005504

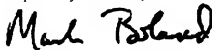
office in a counterpart application citing such documents (International Search Report for PCT/JP2004/005504 dated August 3, 2004), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

Additionally, WO 00/42852 corresponds to JP 10-306078, EP 669322 corresponds to JP 7-258217, and EP 407200 corresponds to JP 3-275657.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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Date: October 18, 2005

JC09 Rev'd PCT/E10 18 OCT 2009

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	National Stage Entry of PCT/JP2004/005504
Confirmation Number	Unknown
Filing Date	October 18, 2005
First Named Inventor	Hiromu HABASHITA
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	Q90961

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		WO	04/52845	A1	06-24-2004	BAYER HEALTHCARE AG.	
		WO	04/14864	A1	02-19-2004	ASTEX TECHNOLOGY LTD.	
		WO	03/91256	A1	11-06-2003	SHIONOGI & CO., LTD.	
		WO	03/53912	A1	07-03-2003	BRISTOL-MYER SQUIBB CO.	
		WO	03/33483	A1	04-24-2003	GLAXO GROUP LTD.	
		WO	03/32980	A1	04-24-2003	GLAXO GROUP LTD.	
		WO	02/05819	A1	01-24-2002	SMITHKLINE BEECHAM CORP.	
		WO	00/42852	A1	07-27-2000	SMITHKLINE BEECHAM CORP.	
		JP	10-306078	A	11-17-1998	MITSUBISHI CHEMICAL CORP.	
		WO	98/25617	A1	06-18-1998	MERCK & CO, INC.	
		EP	0 669 322	A1	08-30-1995	ADIR ET COMPAGNIE	
		EP	0 407 200	A1	01-09-1991	KANEGAFUCHI KAGAKU KOGYO KABUSHIKI KAISHA	
		WO	01/77101	A1	10-18-2001	ASTRAZENZA AB	
		WO	02/81449	A1	10-17-2002	NOVARTIS-ERFINDUGEN VERWAL TUNGS G.M.B.H.	
		WO	00/66558	A1	11-09-2000	SCHERING CORP.	
		WO	00/66141	A1	11-09-2000	SCHERING CORP.	
		WO	00/66559	A1	09-09-2000	SCHERING CORP.	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		International Search Report dated August 3, 2004	

Examiner Signature	/Noble Jarrell/ (05/12/2008)	Date Considered
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.J./ (05/12/2008)

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant to indicate here if English language Translation is attached.